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Our ref: PP_2013_SUTHE_004_00 (13/07641)
Your ref: LP/06/529816

Mr John Rayner
General Manager
Sutherland Shire Council
Locked Bag 17
SUTHERLAND NSW 1499

Dear Mr Rayner,

Planning proposal to amend draft Sutherland Shire Local Environmental Plan 2013

I am writing in response to your Council's letter dated 12 April 2013 requesting a Gateway determination under section 56 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") in respect of the planning proposal to rezone waterways at Gunnamatta Bay, Burraneer Bay, Dolans Bay, Yowie Bay and waterway from Tom Ugly's Bridge to the north-western point of Kangaroo Point, Georges River to W2 Recreational Waterways, amend the zone objectives for zones W1 Natural Waterways and W2 Recreational Waterways and permit mooring pens and boatsheds with consent in zone W1 Natural Waterways.

I note that on 28 May 2013 Council resolved to make an amendment to the above mentioned planning proposal to extend the proposed W2 Recreational Waterways zone along the Georges River in the vicinity of Tom Ugly's Bridge.

As delegate of the Minister for Planning and Infrastructure, I have now determined the planning proposal, as amended by Council resolution, should proceed subject to the conditions in the attached Gateway determination.

It is also noted that Council prefers to incorporate the above amendments into draft Sutherland Shire Local Environmental Plan (LEP) 2013, prior to draft LEP being made. You will note that a condition of the Gateway determination requires the planning proposal to be updated to clearly advise the public that the proposal will amend controls within the exhibited draft Sutherland Shire LEP 2013. Alternatively, Council may wish to progress this planning proposal to notification, once the draft LEP is made.

The Minister delegated his plan making powers to councils in October 2012. It is noted that Council has requested to be issued with delegation for this planning proposal. I have considered the nature of Council's planning proposal and have decided to issue an authorisation for Council to exercise delegation to make this plan.

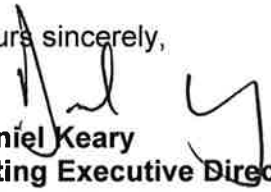
The amending LEP is to be finalised within 9 months of the week following the date of the Gateway determination. Council should aim to commence the exhibition of the planning proposal as soon as possible. Council's request to draft and finalise the LEP should be made directly to Parliamentary Counsel's Office 6 weeks prior to the projected publication date. A copy of the request should be forwarded to the department for administrative purposes.

The State Government is committed to reducing the time taken to complete LEPs by tailoring the steps in the process to the complexity of the proposal, and by providing clear and publicly available justification for each plan at an early stage. In order to meet these commitments, the

Minister may take action under section 54(2)(d) of the EP&A Act if the time frames outlined in this determination are not met.

Should you have any queries in regard to this matter, please contact Deewa Baral of the regional office of the department on 02 9228 6111.

Yours sincerely,


Daniel Keary
Acting Executive Director
Metropolitan Planning

29/5/13

Gateway Determination

Planning proposal (Department Ref: PP_2013_SUTHE_004_00): to make various amendments to the draft Sutherland Shire LEP 2013.

I, the Acting Executive Director, Metropolitan Planning at the Department of Planning and Infrastructure as delegate of the Minister for Planning and Infrastructure, have determined under section 56(2) of the EP&A Act that an amendment to the draft Sutherland Shire Local Environmental Plan (LEP) 2013 to rezone waterways at Gunnamatta Bay, Burraneer Bay, Dolans Bay, Yowie Bay and waterway from Tom Ugly's Bridge to the north-western point of Kangaroo Point, Georges River to W2 Recreational Waterways, amend the zone objectives for zones W1 Natural Waterways and W2 Recreational Waterways and permit mooring pens and boatsheds with consent in zone W1 Natural Waterways should proceed subject to the following conditions:

1. Prior to undertaking public exhibition, Council is to update the planning proposal and associated maps to reflect the outcomes of Council resolution dated 28 May 2013, which extends the proposed W2 Recreational Waterways zone along the Georges River in the vicinity of Tom Ugly's Bridge.
2. Prior to undertaking public exhibition, Council is to update the planning proposal to clearly advise the public that the proposal will amend controls within the exhibited draft Sutherland Shire LEP 2013.
3. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:
 - (a) the planning proposal must be made publicly available for a minimum of **28 days**; and
 - (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of *A Guide to Preparing LEPs (Department of Planning & Infrastructure 2013)*.
4. Consultation is required with the Department of Primary Industries - Fisheries under section 56(2)(d) of the EP&A Act. Fisheries is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal.
5. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).



6. The timeframe for completing the LEP is to be **9 months** from the week following the date of the Gateway determination.

Dated **29th** day of **MAY** 2013.



**Daniel Keary
Acting Executive Director
Metropolitan Planning
Department of Planning and Infrastructure**

Delegate of the Minister for Planning and Infrastructure



WRITTEN AUTHORISATION TO EXERCISE DELEGATION

Sutherland Shire Council is authorised to exercise the functions of the Minister for Planning and Infrastructure under section 59 of the *Environmental Planning and Assessment Act 1979* that are delegated to it by instrument of delegation dated 14 October 2012, in relation to the following planning proposal:

Number	Name
PP_2013_SUTHE_004_00	Planning proposal to rezone waterways at Gunnamatta Bay, Burraneer Bay, Dolans Bay, Yowie Bay and waterway from Tom Ugly's Bridge to the north-western point of Kangaroo Point, Georges River to W2 Recreational Waterways, amend the zone objectives for zones W1 Natural Waterways and W2 Recreational Waterways and permit mooring pens and boatsheds with consent in zone W1 Natural Waterways.

In exercising the Minister's functions under section 59, the Council must comply with the Department's "*A guideline for the preparation of local environmental plans*" and "*A guide to preparing planning proposals*".

Dated

29/5/ 2013


Daniel Keary
**Acting Executive Director
Metropolitan Planning
Department of Planning and Infrastructure**

Attachment 5 – Delegated plan making reporting template

Reporting template for delegated LEP amendments

Notes:

- Planning proposal number will be provided by the department following receipt of the planning proposal
- The department will fill in the details of Tables 1 and 3
- RPA is to fill in details for Table 2
- If the planning proposal is exhibited more than once, the RPA should add additional rows to **Table 2** to include this information
- The RPA must notify the relevant contact officer in the regional office in writing of the dates as they occur to ensure the department's publicly accessible LEP Tracking System is kept up to date
- A copy of this completed report must be provided to the department with the RPA's request to have the LEP notified

Table 1 – To be completed by the department

Stage	Date/Details
Planning Proposal Number	PP_2013_SUTHE_004_00
Date Sent to Department under s56	12/04/2013
Date considered at LEP Review Panel	16/05/2013
Gateway determination date	29/05/2013

Table 2 – To be completed by the RPA

Stage	Date/Details	Notified Reg Off
Dates draft LEP exhibited		
Date of public hearing (if held)		
Date sent to PCO seeking Opinion		
Date Opinion received		
Date Council Resolved to Adopt LEP		
Date LEP made by GM (or other) under delegation		
Date sent to DP&I requesting notification		

Table 3 – To be completed by the department

Stage	Date/Details
Notification Date and details	

Additional relevant information: